

HOUSE BILL NO. 6223

June 14, 2022, Introduced by Reps. Yaroeh and Beson and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 11a (MCL 380.11a), as amended by 2016 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 11a. (1) ~~Beginning on July 1, 1996, each~~ **Each** school
2 district formerly organized as a primary school district or as a
3 school district of the fourth class, third class, or second class
4 ~~shall be~~ **is** a general powers school district under this act.
5 (2) ~~Beginning on July 1, 1996, a~~ **A** school district operating

1 under a special or local act shall operate as a general powers
2 school district under this act except to the extent that the
3 special or local act is inconsistent with this act. Upon repeal of
4 a special or local act that governs a school district, that school
5 district ~~shall become~~ **becomes** a general powers school district
6 under this act.

7 (3) A general powers school district has all of the rights,
8 powers, and duties expressly stated in this act; may exercise a
9 power implied or incident to a power expressly stated in this act;
10 and, except as otherwise provided by law, may exercise a power
11 incidental or appropriate to the performance of a function related
12 to operation of a public school and the provision of public
13 education services in the interests of public elementary and
14 secondary education in the school district, including, but not
15 limited to, all of the following:

16 (a) Educating pupils. In addition to educating pupils in
17 grades ~~K-12~~, **K to 12**, this function may include operation of
18 preschool, lifelong education, adult education, community
19 education, training, enrichment, and recreation programs for other
20 persons. A school district may do either or both of the following:

21 (i) Educate pupils by directly operating 1 or more public
22 schools on its own.

23 (ii) Cause public education services to be provided for pupils
24 of the school district through an agreement, contract, or other
25 cooperative agreement with another public entity, including, but
26 not limited to, another school district or an intermediate school
27 district.

28 (b) Providing for the safety and welfare of pupils while at
29 school or a school sponsored activity or while en route to or from

1 school or a school sponsored activity.

2 (c) Except as otherwise provided in this section, acquiring,
3 constructing, maintaining, repairing, renovating, disposing of, or
4 conveying school property, facilities, equipment, technology, or
5 furnishings.

6 (d) Hiring, contracting for, scheduling, supervising, or
7 terminating employees, independent contractors, and others,
8 including, but not limited to, another school district or an
9 intermediate school district, to carry out school district powers.
10 A school district may indemnify its employees.

11 (e) Receiving, accounting for, investing, or expending public
12 school money; borrowing money and pledging public school funds for
13 repayment; and qualifying for state school aid and other public or
14 private money from local, regional, state, or federal sources.

15 (4) A general powers school district may enter into
16 agreements, contracts, or other cooperative arrangements with other
17 entities, public or private, including, but not limited to, another
18 school district or an intermediate school district, or join
19 organizations as part of performing the functions of the school
20 district. An agreement, contract, or other cooperative arrangement
21 that is entered into under this act is not required to comply with
22 the provisions of the urban cooperation act of 1967, 1967 (Ex Sess)
23 PA 7, MCL 124.501 to 124.512, as provided under section 503 of that
24 act, MCL 124.503.

25 (5) A general powers school district is a body corporate and
26 ~~shall~~**must** be governed by a school board. An act of a school board
27 is not valid unless approved, at a meeting of the school board, by
28 a majority vote of the members lawfully serving on the board.

29 (6) The board of a general powers school district shall adopt

1 bylaws. These bylaws may establish or change board procedures, the
 2 number of board officers, titles and duties of board officers, and
 3 any other matter related to effective and efficient functioning of
 4 the board. Regular meetings of the board ~~shall~~**must** be held at
 5 least once each month, at the time and place fixed by the bylaws.
 6 Special meetings may be called and held in the manner and for the
 7 purposes specified in the bylaws. Board procedures, bylaws, and
 8 policies in effect on ~~the effective date of this section shall~~**July**
 9 **1, 1996 must** continue in effect until changed by action of the
 10 board.

11 (7) The board of a school district ~~shall~~**must** be elected as
 12 provided under this act and the Michigan election law. The number
 13 of members of the board of a general powers school district ~~shall~~
 14 **must** remain the same as for that school district before July 1,
 15 1996 unless changed by the school electors of the school district
 16 at a regular or special school election. A ballot question for
 17 changing the number of board members may be placed on the ballot by
 18 action of the board or by petition submitted by school electors as
 19 provided under chapter XIV of the Michigan election law, MCL
 20 168.301 to 168.316.

21 (8) ~~Members~~**Before the 2022 general November election, members**
 22 of the board of a general powers school district ~~shall~~**must** be
 23 elected by the school electors for terms of 4 or 6 years, as
 24 provided by the school district's bylaws. **Beginning with the 2022**
 25 **general November election, members of the board of a general powers**
 26 **school district must be elected by the school electors for terms of**
 27 **4 years.** At each regular school election, members of the board
 28 ~~shall~~**must** be elected to fill the positions of those whose terms
 29 will expire. A term of office begins as provided in section 302 of

1 the Michigan election law, MCL 168.302, and continues until a
2 successor is elected and qualified.

3 (9) Except as provided under part 5b, a community district
4 ~~shall~~**must** be organized and conducted in the same manner as a
5 general powers school district. As provided under part 5b, a
6 community district has all of the powers of a general powers school
7 district under **this** section ~~11a~~ and has all additional powers
8 granted by law to a community district or the school board of a
9 community district. The members of the board of a community
10 district ~~shall~~**must** be elected by the school electors in the manner
11 and for the terms as provided under part 5b and the Michigan
12 election law.

13 (10) The board of a general powers school district may submit
14 to the school electors of the school district a question that is
15 within the scope of the powers of the school electors and that the
16 board considers proper for the management of the school system or
17 the advancement of education in the school district. Upon the
18 adoption of a question by the board, the board shall submit the
19 question to the school electors by complying with section 312 of
20 the Michigan election law, MCL 168.312.

21 (11) A special election may be called by the board of a
22 general powers school district as provided under chapter XIV of the
23 Michigan election law, MCL 168.301 to 168.316.

24 (12) Unless expressly provided in 1995 PA 289, the powers of a
25 school board or school district are not diminished by this section
26 or by 1995 PA 289.

27 (13) A school district operating a public library, public
28 museum, or community recreational facility as of July 1, 1996 may
29 continue to operate the public library, public museum, or community

1 recreational facility.

2 (14) A school district may establish and administer
3 scholarships for its students or graduates to support their
4 attendance at a postsecondary educational institution from funds
5 the school district receives as a result of a compact entered into
6 between this state and a federally recognized Indian tribe pursuant
7 to the Indian gaming regulatory act, Public Law 100-497. A school
8 district that establishes a scholarship program funded under this
9 subsection shall ensure that the scholarship program provides for
10 all of the following:

11 (a) That a student or graduate is not eligible to be awarded a
12 scholarship unless the student or graduate is enrolled in the
13 school district for all of grades 9 to 12 and meets 1 of the
14 following:

15 (i) Is a resident of the school district for all of grades 9 to
16 12.

17 (ii) Was enrolled in the school district for the 2009-2010
18 school year but was not a resident of the school district for that
19 school year, and is enrolled in the school district continuously
20 after that school year until graduation.

21 (b) That the amount of a scholarship awarded to a student or
22 graduate who was not enrolled in and a continuous resident of the
23 school district for all of grades K to 12 ~~shall~~**must** be adjusted
24 based on length of enrollment and continuous residency or, for a
25 student or graduate described in subdivision (a) (ii), based on
26 length of enrollment.